

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chairman Jim Shockley, on February 20, 2009 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Jim Shockley, Chairman (R)
Sen. John Brueggeman, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Joe Balyeat (R)
Sen. Jerry W. Black (R)
Sen. John Brenden (R)
Sen. Mike Cooney (D)
Sen. Joseph (Joe) Tropila (D)
Sen. Jonathan Windy Boy (D)

Members Excused: Sen. Larry Jent (D)
Sen. Carolyn Squires (D)

Members Absent: None

Staff Present: Dave Bohyer, Legislative Branch
Libby Goodwin, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 348, 2/17/2009; SB 413,
2/17/2009; SB 484, 2/17/2009; SB
488, 2/17/2009

Executive Action: SB 367, SB 348, SB 413, SB 469, SB
484, SB 488

00:00:10 Sen. Shockley relinquished the chair to Vice-Chairman Brueggeman.

HEARING ON SB 488

Opening Statement by Sponsor:

00:01:17 Sen. Jonathan Windy Boy (D), SD 16, opened the hearing on SB 488, Require agencies to cooperate with tribes on cultural resources.

Proponents' Testimony:

00:02:39 Donovan Stump, Chippewa Cree Tribe

00:03:23 Louise Stump, Chippewa Cree Tribe

00:05:32 Eddie Whitford, by Charles Tailfeathers, Interpretor

[EXHIBIT](#)(sts40a01)

00:08:14 Pearl Whitford, Chippewa Cree Tribe

[EXHIBIT](#)(sts40a02)

00:11:01 Theresa Tendoy, Chippewa Cree Tribe, by Doreen Tendoy, Interpretor

[EXHIBIT](#)(sts40a03)

00:14:01 Jean Azure, Chippewa Cree Tribe

[EXHIBIT](#)(sts40a04)

00:15:41 Jolene Krebs, Chippewa Cree Tribe

00:16:33 Charles L. Tailfeathers, Blackfeet Tribe and Cree Tribe

[EXHIBIT](#)(sts40a05)

00:20:02 Toni Plummer Alvernaz, Assiniboine Tribe

00:28:18 Sen. J. Tropila, SD 13

00:28:54 Shooting Star Woman, Chippewa Cree Tribe

Opponents' Testimony:

00:34:48 None

Informational Testimony:

00:34:51 Joyce Silverthorne, Office of Public Instruction

[EXHIBIT](#)(sts40a06)

00:39:34 Mark Cadwallader, Department of Labor and Industry

[EXHIBIT](#)(sts40a07)

Questions from Committee Members and Responses:

00:43:16 None

Closing by Sponsor:

00:43:24 Sen. Windy Boy

00:50:24 Chairman Shockley resumed the chair.

HEARING ON SB 484

Opening Statement by Sponsor:

00:52:27 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 484, Adjust retirement dates for new PERS and TRS hires.

[EXHIBIT](#)(sts40a08)

Proponents' Testimony:

01:09:34 None

Opponents' Testimony:

01:09:38 Tom Schneider, Montana Public Employees Association

01:13:10 David Senn, Teachers' Retirement Board

[EXHIBIT](#)(sts40a09)

01:16:35 Melanie Symons, Montana Public Employee Retirement Administration

[EXHIBIT](#)(sts40a10)

01:20:43 Tom Bilodeau, Montana Education Association/Montana Federation of Teachers (MEA/MFT)

Informational Testimony:

01:23:25 None

Questions from Committee Members and Responses:

01:23:33 Chairman Shockley

01:24:03 Mr. Schneider, MEA/MFT

01:24:48 Chairman Shockley

01:24:53 Mr. Schneider, MEA/MFT

01:25:01 Chairman Shockley
01:25:06 Mr. Schneider, MEA/MFT
01:25:14 Chairman Shockley
01:25:19 Mr. Schneider, MEA/MFT
01:25:28 Sen. Brenden

Closing by Sponsor:

01:25:49 Sen. Balyeat

HEARING ON SB 413

Opening Statement by Sponsor:

01:33:09 Sen. Christine Kaufmann(D), SD 41, opened the hearing on SB 413, Revise immigration and discrimination law; create Immigration Advisory Council.

Proponents' Testimony:

01:37:51 Shahid Haque-Hausrath, self
01:42:59 Kim Abbott, Montana Human Rights Network
01:45:03 Jorge Quintana, self
01:47:27 Carol Ferguson, self
01:53:38 Jamee Greer, Montanans for Healthcare
01:54:56 Kelsen Young, Montana Coalition Against Domestic Violence
01:56:07 Nicky Zupanic, American Civil Liberties Union of Montana

Opponents' Testimony:

01:56:57 None

Informational Testimony:

01:57:00 None

Questions from Committee Members and Responses:

01:57:05 None

Closing by Sponsor:

01:57:13 Sen. Kaufmann

01:58:38 recess
02:01:47 reconvene

EXECUTIVE ACTION ON SB 367

Discussion:

02:02:39 Chairman Shockley
EXHIBIT(sts40a11)

02:04:15 Sen. Cooney
02:05:22 Sen. Black
02:05:29 Sen. Squires
02:05:34 Dave Bohyer

02:05:46 **Motion:** Sen. Balyeat moved that **SB 367 DO PASS.**

02:05:53 **Motion:** Sen. Cooney moved that **SB 367 BE AMENDED**
(Exhibit 11).

02:05:57 Sen. Cooney

02:06:20 **Vote:** Motion carried unanimously by voice vote. Sen.
Bales, Sen. Brenden, Sen. Jent, and Sen. Tropila voted
by proxy.

02:07:20 **Motion:** Sen. Balyeat moved that **SB 367 DO PASS AS**
AMENDED.

02:07:13 Dave Bohyer
EXHIBIT(sts40a12)

02:07:53 Sen. Tropila returned.

02:07:56 **Motion/Vote:** Sen. Balyeat moved that **SB 367 BE**
AMENDED (Exhibit 12). Motion carried unanimously by
voice vote. Sen. Bales, Sen. Brenden, and Sen. Jent
voted by proxy.

02:08:25 **Motion/Vote:** Sen. Balyeat moved that **SB 367 DO PASS AS**
AMENDED. Motion carried unanimously by voice vote.
Sen. Bales, Sen. Brenden, and Sen. Jent voted by proxy.

02:08:55 Dave Bohyer

EXECUTIVE ACTION ON SB 488

02:09:25 **Motion:** Sen. Windy Boy moved that **SB 488 DO PASS.**

02:09:54 Sen. Balyeat

02:10:02 **Vote:** Motion carried 9-2 by roll call vote with Sen. Bales and Sen. Brenden voting no. Sen. Bales, Sen. Brenden, Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 413

02:11:39 **Motion:** Sen. Cooney moved that **SB 413 DO PASS.**

Discussion:

02:11:49 Sen. Balyeat

02:13:41 **Motion:** Sen. Brueggeman moved that **SB 413 BE CONCEPTUALLY AMENDED** (strike Sections 2 and 3, and strike the 'whereas' clauses).

02:14:27 Sen. Cooney

02:15:48 **Substitute Motion:** Sen. Brueggeman moved that **SB 413 BE CONCEPTUALLY AMENDED** to segregate amendments into:
1 - strike 'whereas' clauses; 2 - strike Section 2;
3 - strike Section 3.

02:16:51 **Vote on Segregated Amendment 1:** Motion carried 6-5 by voice vote with Sen. Cooney, Sen. Jent, Sen. Squires, Sen. Tropila, and Sen. Windy Boy voting no. Sen. Bales, Sen. Brenden, and Sen. Jent voted by proxy.

02:17:33 **Motion:** Sen. Brueggeman moved that **SB 413 DO PASS AS AMENDED.**

02:17:38 **Substitute Motion/Vote on Segregated Amendment 2:** Sen. Brueggeman moved that **SB 413 BE CONCEPTUALLY AMENDED** (Segregated Amendment 2). Motion carried 6-5 by roll call vote with Sen. Cooney, Sen. Jent, Sen. Squires, Sen. Tropila, and Sen. Windy Boy voting no. Sen. Bales, Sen. Brenden, and Sen. Jent voted by proxy.

02:19:23 **Motion:** Sen. Brueggeman moved that **SB 413 DO PASS AS AMENDED.**

02:19:33 **Motion:** Sen. Brueggeman moved that **SB 413 BE CONCEPTUALLY AMENDED** (Segregated Amendment 3).

02:19:54 Sen. Cooney
02:20:10 Chairman Shockley
02:20:46 Sen. Brueggeman withdrew the motion.
02:21:00 Sen. Bales
02:21:33 Sen. Squires
02:21:45 Chairman Shockley
02:22:19 Sen. Bales
02:22:26 Chairman Shockley

02:22:51 **Motion:** Sen. Shockley moved that **SB 413 BE CONCEPTUALLY AMENDED** (strike Section 1).

02:23:18 Chairman Shockley

02:23:57 **Vote:** Motion carried 6-5 by roll call vote with Sen. Cooney, Sen. Jent, Sen. Squires, and Sen. Windy Boy voting no. Sen. Brenden and Sen. Jent voted by proxy.

02:24:50 **Motion:** Sen. Cooney moved that **SB 413 DO PASS AS AMENDED**.

Discussion:

02:25:15 Sen. Balyeat
02:27:09 Chairman Shockley
02:28:23 Sen. Balyeat
02:29:15 Chairman Shockley

02:29:55 **Vote:** Motion carried 7-3 by roll call vote with Sen. Bales, Sen. Balyeat, and Sen. Brenden voting no. Sen. Brenden and Sen. Jent voted by proxy.

02:31:45 Dave Bohyer

EXECUTIVE ACTION ON SB 469

02:31:53 **Motion:** Sen. Brueggeman moved to **RECONSIDER THE PREVIOUS ACTION** on **SB 469**.

02:32:01 Sen. Brueggeman

02:32:53 **Vote:** Motion carried 9-2 by voice vote with Sen. Brenden and Sen. Tropila voting no. Sen. Brenden and Sen. Jent voted by proxy.

02:33:49 **Motion:** Sen. Brueggeman moved the bill **DO PASS.**

02:33:53 **Motion:** Sen. Brueggeman moved that **SB 469 BE AMENDED.**

EXHIBIT(sts40a13)

02:33:57 Sen. Brueggeman

02:35:04 **Vote:** Motion carried 6-5 by roll call vote with Sen. Cooney, Sen. Jent, Sen. Squires, Sen. Tropila, and Sen. Windy Boy voting no. Sen. Brenden and Sen. Jent voted by proxy. Sen. Brueggeman voted aye for Sen. Brenden.

02:36:10 **Motion:** Sen. Brueggeman moved that **SB 469 DO PASS AS AMENDED.**

02:38:15 Sen. Brueggeman

02:36:52 Sen. Cooney

02:38:11 Sen. Balyeat

02:39:06 Sen. Black

02:40:45 recess

02:42:00 reconvene

02:42:13 **Vote:** Motion carried 6-5 by roll call vote with Sen. Brenden, Sen. Cooney, Sen. Squires, Sen. Tropila, and Sen. Windy Boy voting no. Sen. Brenden and Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 484

02:42:26 **Motion:** Sen. Balyeat moved that **SB 484 DO PASS.**

Discussion:

02:42:42 Sen. Balyeat

02:43:27 Sen. Squires

02:46:20 Chairman Squires

02:46:24 Sen. Squires

02:46:43 Chairman Squires

02:46:54 Sen. Squires

02:47:59 Sen. Balyeat

02:49:16 Sen. Bales

02:51:45 Chairman Shockley

02:52:24 **Vote:** Motion carried 6-5 by roll call vote with Sen. Cooney, Sen. Jent, Sen. Squires, Sen. Tropila, and Sen. Windy Boy voting no. Sen. Brenden and Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 348

02:53:08 Chairman Shockley

02:53:41 **Motion:** Sen. Balyeat moved that **SB 348 DO PASS.**

02:54:15 Dave Bohyer
EXHIBIT(sts40a14)

02:53:47 **Motion:** Sen. Balyeat moved that **SB 348 BE AMENDED**
(Exhibit 14).

02:53:54 Dave Bohyer

02:54:34 **Vote:** Motion carried 6-5 by roll call vote with Sen. Cooney, Sen. Jent, Sen. Squires, Sen. Tropila, and Sen. Windy Boy voting no. Sen. Brenden and Sen. Jent voted by proxy.

02:55:42 **Motion:** Sen. Balyeat moved that **SB 348 DO PASS AS AMENDED.**

02:55:56 Sen. Bales

02:56:27 Sen. Balyeat

02:57:02 Chairman Shockley

02:57:15 **Vote:** Motion carried 6-5 by roll call vote with Sen. Cooney, Sen. Jent, Sen. Squires, Sen. Tropila, and Sen. Windy Boy voting no. Sen. Brenden and Sen. Jent voted by proxy.

ADJOURNMENT

Adjournment: 6:00 P.M.

Libby Goodwin, Secretary

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Additional Documents:

EXHIBIT ([sts40aad.pdf](#))